

REMARKS

Claims 32-36, 38-43 and 50-65 are currently pending in the present application. Claim 32 has been amended herein to recite that the flexible members extend in a space between the plunger and the device housing. The term "slidably" in claims 32 and 55 has been replaced with the term "movably." Claims 40, 51, 53, 56 and 61 have been rewritten in independent form. Changes to claims 51, 52 and 60 have been made to address informalities. Claim 37 has been cancelled. No new matter has been added.

I. Claim Objections

Claims 51, 52 and 60 have been objected to for formalities. Claim 51 now recites "a medical device" for which antecedent basis is provided in claim 38. Claim 52 recites the term "planar" to replace the term "plane." Claim 60 has been amended to provide antecedent basis for the term "an insertion needle."

The Examiner has indicated that claims 33 and 52 are substantial duplicates and that one must be cancelled upon allowance of the independent claim. Applicants believe the Examiner was referring to claim 35 and not claim 33. However, Applicants respectfully assert that claim 35 depends from claim 34 and not claim 33, whereas claim 52 depends from claim 33. Thus, claims 35 and 52 are not substantial duplicates.

Therefore, Applicants respectfully request that the objections to the claims be withdrawn.

II. Claim Rejections Under 35 U.S.C. § 102(b)

Claims 32-39, 41-43, 50, 52, 54, 55, 57 60 and 65 have been rejected under 35 U.S.C. § 102(b) as being anticipated Crouse (U.S. Patent No. 5,324,302). According to the Examiner, Crouse discloses an injector device for a medical device comprising a molded device housing (28, 30), a molded plunger (20), a lock (36), and a drive including spring (arms 28, 30), and a cover member (40).

Applicants have cancelled claim 37 thereby making the rejection of claim 37 moot. Applicants respectfully traverse the rejection of the remaining claims as being anticipated by Crouse based on the traversals discussed below.

Crouse is directed to a blood lancet having a lancet needle with a sharpened lancet tip. (Abstract) The device 10 includes a lancet needle 12 having a lancet tip 14. (Col. 3, lines 25-26.) A pair of arms 28, 30 connect distal needle piece 20 with proximal needle piece 26 along opposite sides of lancet needle 12. (Col. 3, lines 53-55.) With the lancet tip 14 exposed, the user may move lancet tip 14 into contact with the skin so that a drop of blood may be drawn. Thereafter, in order to cover lancet tip 14, proximal needle piece 26 is moved over lancet tip 14 by pinching arms 28, 30 together between finger pads 38. (See Col. 4, lines 45-50.)

Crouse fails to disclose both a device housing and a drive. Indeed, the Examiner uses to the same elements (arms 28, 30) in Crouse to refer to both the device housing and the drive. Crouse fails to teach or suggest a device housing as claimed in claims 32 and 55. In addition, Crouse fails to teach or suggest that each of the flexible members of the drive extend in a space between the plunger and the device housing as claimed in claim 32. Crouse also fails to disclose an injector device assembly having an infusion set including a housing and a hollow cannula as claimed in claim 55. Clearly, Crouse fails to teach or suggest the claimed invention in independent claim 32 and 55. For these same reasons, dependent claims 33-36, 38, 39, 41-43, 50, 52, 54, 57, 60 and 65 are also not anticipated.

Therefore, Applicants respectfully request that the rejection of claims 32-36, 38, 39, 41-43, 50, 52, 54, 55, 57 60 and 65 under 35 U.S.C. §102 (b) be withdrawn.

III. Allowable Subject Matter

Applicants kindly thank the Examiner for indicating that claims 40, 51, 53, 56, 58, 59 and 61-64 would be allowable if rewritten in independent form. Claims 40, 51, 53, 56, 58 and 61 have been rewritten in independent form. Antecedent basis has been provided for claim 51. Claims 59 and 62-64 depend from allowable claims and are therefore also allowable.

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IV. SUMMARY

It is respectfully asserted that the claims properly define the invention and that the invention is both novel and non-obvious. Allowance of the present claims is earnestly solicited.

Should the Examiner wish to discuss any of the above submissions in more detail, the Examiner is asked to please call the undersigned at the telephone number listed below.

Respectfully submitted,

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